

Bureau of Health Care Quality & Compliance

STATEMENT OF DEFICIENCIES AND PLAN OF CORRECTION		(X1) PROVIDER/SUPPLIER/CLIA IDENTIFICATION NUMBER: NVS4420HIC	(X2) MULTIPLE CONSTRUCTION A. BUILDING _____ B. WING _____	(X3) DATE SURVEY COMPLETED 06/24/2009
NAME OF PROVIDER OR SUPPLIER THE VELVET TOUCH		STREET ADDRESS, CITY, STATE, ZIP CODE 6656 ARTIC BREEZE STREET LAS VEGAS, NV 89081		
(X4) ID PREFIX TAG	SUMMARY STATEMENT OF DEFICIENCIES (EACH DEFICIENCY MUST BE PRECEDED BY FULL REGULATORY OR LSC IDENTIFYING INFORMATION)	ID PREFIX TAG	PROVIDER'S PLAN OF CORRECTION (EACH CORRECTIVE ACTION SHOULD BE CROSS-REFERENCED TO THE APPROPRIATE DEFICIENCY)	(X5) COMPLETE DATE
H 000	<p>Initial Comments</p> <p>This Statement of Deficiencies was generated as a result of a State Licensure survey conducted in your facility on 6/24/09. This State Licensure survey was conducted by authority of NAC 449, Homes for Individual Residential Care, adopted by the State Board of Health on November 29, 1999.</p> <p>The findings and conclusions of any investigation by the Health Division shall not be construed as prohibiting any criminal or civil investigations, actions or other claims for relief that may be available to any party under applicable federal, state or local laws.</p> <p>The census at the time of the survey was three. Resident files were reviewed and two employee files were reviewed.</p> <p>The following deficiencies were identified:</p>	H 000		
H 011	<p>Director Duties-Needs Assessment</p> <p>NAC 449.15523 Director: Duties. (NRS 449.249) The director of a home shall: 2. Ensure that the needs of each resident of the home are assessed upon admission of the resident to the home, and that the assessment is updated as the needs of the resident change.</p> <p>This Regulation is not met as evidenced by: Based on interview and record review on 06/24/09, the needs of 3 of 3 residents were not assessed upon admission to the home (Resident #1, #2 and #3).</p>	H 011		

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TITLE

(X6) DATE

LABORATORY DIRECTOR'S OR PROVIDER/SUPPLIER REPRESENTATIVE'S SIGNATURE

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H 040	Continued From page 1	H 040			
H 040	<p>Agreement Concerning Rates</p> <p>NAC 449.15527 Agreement between operator of home and resident concerning rates; maintenance of records of residents. (NRS 449.249)</p> <p>The operator of a home shall:</p> <p>1. Enter into a written agreement with each resident of the home that sets forth the basic rate for the services of the home and the charges for any optional services.</p> <p>This Regulation is not met as evidenced by: Based on record review on 06/24/09, the facility did not have a rate agreement that set forth the basic rate for the services of the home and the charges for any optional services for 2 of 3 residents (Resident #2 and #3).</p>	H 040			
H 045	<p>Records of Residents-Current Needs Assessment</p> <p>NAC 449.15527 Agreement between operator of home and resident concerning rates; maintenance of records of residents. (NRS 449.249)</p> <p>The operator of a home shall:</p> <p>2. Maintain a separate, organized file for each resident of the home and retain the file for 5 years after the resident permanently leaves the home. Each file must include:</p> <p>(d) A current copy of the assessment of the needs of the resident conducted pursuant to NAC 449.15523.</p>	H 045			

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H 045	Continued From page 2 This Regulation is not met as evidenced by: Based on record review on 06/24/09, the facility failed to ensure there was a copy of a needs assessment in the file for 3 of 3 residents (Resident #1, #2 and #3).	H 045		
H 050	Tuberculosis-Employees NAC 441A.375 Medical facilities, facilities for the dependent and homes for individual residential care: Management of cases and suspected cases; surveillance and testing of employees; counseling and preventive treatment. 1. A case having tuberculosis or suspected case considered to have tuberculosis in a medical facility or a facility for the dependent must be managed in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200. 2. A medical facility, a facility for the dependent or a home for individual residential care shall maintain surveillance of employees of the facility or home for tuberculosis and tuberculosis infection. The surveillance of employees must be conducted in accordance with the recommendations of the Centers for Disease Control and Prevention for preventing the transmission of tuberculosis in facilities providing health care set forth in the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200. 3. Before initial employment, a person employed in a medical facility, a facility for the dependent or a home for individual residential care shall have a:	H 050		

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H 050	<p>Continued From page 3</p> <p>(a) Physical examination or certification from a licensed physician that the person is in a state of good health, is free from active tuberculosis and any other communicable disease in a contagious stage; and</p> <p>(b) Tuberculosis screening test within the preceding 12 months, including persons with a history of bacillus Calmette-Guerin (BCG) vaccination.</p> <p>If the employee has only completed the first step of a 2-step Mantoux tuberculin skin test within the preceding 12 months, then the second step of the 2-step Mantoux tuberculin skin test or other single-step tuberculosis screening test must be administered. A single annual tuberculosis screening test must be administered thereafter, unless the medical director of the facility or his designee or another licensed physician determines that the risk of exposure is appropriate for a lesser frequency of testing and documents that determination. The risk of exposure and corresponding frequency of examination must be determined by following the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph (h) of subsection 1 of NAC 441A.200.</p> <p>4. An employee with a documented history of a positive tuberculosis screening test is exempt from screening with skin tests or chest radiographs unless he develops symptoms suggestive of tuberculosis.</p> <p>5. A person who demonstrates a positive tuberculosis screening test administered pursuant to subsection 3 shall submit to a chest radiograph and medical evaluation for active tuberculosis.</p> <p>6. Counseling and preventive treatment must be offered to a person with a positive tuberculosis screening test in accordance with the guidelines of the Centers for Disease Control and Prevention as adopted by reference in paragraph</p>	H 050		

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H 060	Continued From page 5 administer dangerous drug. [Effective through December 31, 2007.] A drug or medicine referred to in NRS 454.181 to 454.371, inclusive, may be possessed and administered by: 10. An ultimate user or any person designated by the ultimate user pursuant to a written agreement. This Regulation is not met as evidenced by: Based on record review on 06/24/09, the facility did not obtain an ultimate user agreement authorizing the facility to administer medications to 3 of 3 residents (Resident #1 and #3 had no ultimate user agreement and Resident #2's ultimate user agreement was not dated).	H 060		
H 999	Final Comments This Regulation is not met as evidenced by: NRS 449.0105 " Home for individual residential care " defined. " Home for individual residential care " means a home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons with mental retardation or with disabilities or who are aged or infirm, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services. Based on interviews and observations on 6/24/09 and 07/15/09, the facility had admitted three residents, which exceeded their licensing requirement.	H 999		

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H 999	<p>Continued From page 6</p> <p>Findings include:</p> <p>An on-site visit was conducted on 6/24/09 and 07/15/09. Caregiver #1 reported that there were two elderly residents (Resident #1 and Resident #2) paying to live in the home as residents. A third elderly resident (Resident #3) was discovered during a tour of the facility. The caregiver reported that the third resident was a renter, but could not provide any documentation, records or a rental contract for the third resident. The manager produced a rental contract.</p> <p>Resident #1 was admitted on 04/19/09. The resident had a resident file, but the file was missing several documents such as a rate agreement, ultimate user agreement and a needs assessment. Resident #1 reported that she visited the bathroom alone, required assistance with medications and visits outside the home because she used a walker. Caregiver #1 reported she assisted the resident with her medications, and bathing. The manager reported that the resident was paying the facility \$1500/month for care and assistance. She also reported that the resident needed assistance for visits outside of the home.</p> <p>Resident #2 was admitted on 08/06/08. The resident had a file, but the file was missing a needs assessment. There was a signed ultimate user agreement authorizing the caregivers to administer medications, but it was not dated. Caregiver #1 reported she assisted the resident with her medications. When interviewed, Resident #2 had difficulty in answering questions and had no knowledge of the president's name or the day of the week. The resident paid \$2000/month for care and assistance.</p>	H 999			

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H 999	<p>Continued From page 7</p> <p>Resident #3 was admitted sometime in 2006. This resident did not have a file but did have a rental agreement. The resident paid the facility \$1300 a month. The resident stated the caregivers assisted her with medications and with bathing. She reported sometimes needing help with walking due to dizzy spells. Caregiver #1 reported that she assisted the resident with her medications (Levothyroxine and Lisinopril) and occasionally with visits to the bathroom and with bathing.</p> <p>After review of residents records, observations, and interviews with Resident #1, #2 and #3, Caregiver #1 and the manager, it was determined that Residents #1, #2 and #3 all required some level of care, supervision and assistance with medications, visiting the bathroom or with bathing. It was determined that the director of the facility had admitted three residents to a facility licensed for two, was over census and therefore operating a Residential Facility for Groups without a license.</p>	H 999			

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